

side that we want to use. We need to have a vote at 10:30 today.

#### RESERVATION OF LEADER TIME

The PRESIDING OFFICER. Under the previous order, leadership time is reserved.

There is ordered to be 1 hour of debate equally divided between the Senator from New Mexico, Mr. DOMENICI, and the Democratic leader, Mr. DASCHLE, or their designees prior to the cloture vote.

Mr. LOTT addressed the Chair.

The PRESIDING OFFICER. The majority leader.

Mr. LOTT. Mr. President, I ask unanimous consent that the Senator from California be allowed to proceed for not more than 5 minutes and that time not be taken out of the hour previously agreed to, delaying the 1-hour debate just a few minutes, and the vote would occur at 10:40 instead of 10:30.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from California.

Mrs. BOXER. I thank the Chair. I thank the majority leader for his graciousness.

#### THE LOSS OF MANY

Mrs. BOXER. Mr. President, Californians have been deeply saddened and moved by a number of losses we have faced. One involves the death of the senior member of our California Democratic delegation, George Brown, who was a beloved Congressman on both sides of the aisle. As a matter of fact, one of the Republicans in the House said on his passing, if everyone was like George Brown, we would not need to go on retreats to find out how to get along better with one another.

George Brown was that kind of person. George was a man of great compassion, of great reason. He was consistent. He never changed his views according to the polls. He was a mentor of mine when he ran for the Senate in 1970, which takes us back a long time. I very proudly worked on his campaign simply as a volunteer. He was an advocate for science and technology, and although he was 79 years old, he was an ageless person. He had so many young ideas, and he was so future oriented.

Then, of course, the Nation faced the tragedy that befell the Kennedy family once again with the tragic loss of John F. Kennedy, Jr., and his wife and her sister. The press was calling and asking for a comment. I said it truly is a tragedy beyond words. I think at times such as these all you can really do is pray that the family will be able to cope with a loss of such enormity.

I particularly want to spend a moment talking about my colleague, TED KENNEDY, because after all the tragedies with which the family has had to deal, TED has become a real father figure to the entire next generation of Kennedys. I know how Senator KENNEDY teaches those of us who have not

been here as long as he, how he monitors us and guides us.

I can just imagine the close bond he had with John Kennedy, Jr., and what this has done to his heart. I know when he does come back, every one of us will give him our strength.

When President Kennedy died, Robert Kennedy said the following. He said:

When I think of President Kennedy, I think of what Shakespeare said in *Romeo and Juliet*:

When he shall die,  
take him and cut him out into stars  
and he shall make the face of heaven so fine  
that all the world will be in love with night  
and pay no worship to the garish sun.

I think when we think of John Kennedy, Jr., we will think of him sharing in those bright stars.

To close, I have a poem that was written by someone who is in her thirties. I think the words will have meaning for those who look to John, Jr., for their future. This is what it is called: "If Only We Could Have Said Good-bye."

Our special son  
the namesake he  
of honorable tradition  
to serve our great country  
Passed down through generations  
of dedicated, determined souls  
He understood our devotion  
and carried with him a nation's hope  
This honor never did he shun  
In public he graced us well  
With patience he regaled us  
with tales  
Of hiding behind  
the Oval's chair,  
Or that indelible salute  
We mourned together his father's fate  
While marveling his mother's grace  
These traits were passed on to Kennedy's  
own  
to John, indeed  
Could he be the return of Camelot?  
We wondered  
and inside we cheered this Kennedy's fate  
with the wish that he could fulfill in his time  
those hopes left so unmade  
Or perhaps  
just share with us,  
a bit of the mystery, a bit of your name  
If only we could have said goodbye

Mr. President, it is a sad day across this land. Our prayers are with the Kennedy family and the Bessette family.

I thank the majority leader for yielding me this time.

#### INTELLIGENCE AUTHORIZATION ACT FOR FISCAL YEAR 2000—MOTION TO PROCEED—Resumed

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. I thank the Chair.

I understand I am in charge of our half hour.

I say to the other side, you have a half hour on this also. We clearly would like to move back and forth with the time on each side for various speakers, but for now we have two or three speakers who have already indicated they want to address this issue.

So I yield 8 minutes to the distinguished Senator from Arizona, Mr. KYL. Then, within the next 30 or 40 minutes, if Senator FRANK MURKOWSKI, the chairman of the Energy and Natural Resources Committee, desires to speak, we will give him some time. I understand the Senator from Kentucky would like to speak on our side also, so we will make time for him.

We will proceed now. I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. KYL. Thank you, Mr. President.

First, I thank Senator DOMENICI for his leadership on this issue. It was really his leadership that brought this entire matter of reorganization of the Department of Energy to the fore. I appreciate his ability to predict what the President's Foreign Intelligence Advisory Board was going to be recommending to the President because indeed it was Senator DOMENICI's idea for the reorganization of the Department of Energy that eventually the Rudman board, the President's Foreign Intelligence Advisory Board—it was really that same idea that was recommended by the President's board which we have embodied in legislation that we bring to the floor.

As the leader announced a few minutes ago, at 10:40 this morning we will vote on whether to invoke cloture on a motion to proceed to the intelligence authorization bill, which will include this reorganization of the Department of Energy amendment.

This is the amendment Senator DOMENICI, Senator MURKOWSKI, and I have drafted with the purpose to halt the ongoing losses of our Nation's most sensitive military secrets from our Nation's laboratories.

As I look back over the last few months, it seems as if every week brought more news about Chinese espionage at our National Laboratories, about how the Chinese have obtained our country's nuclear secrets.

In May, the declassified version of the Cox committee report was released. It painted a sobering picture of the increased danger the United States now faces as a result of the Chinese espionage at our nuclear labs. This bipartisan committee unanimously concluded that China stole classified information on every nuclear warhead currently in the U.S. arsenal, as well as the neutron bomb—literally the crown jewels of our nuclear stockpile.

Worst still, the Cox committee noted that China also acquired other advanced American technology, including missile guidance and reentry vehicle technology, the results of developmental work on electromagnetic weapons that could be used to attack satellites and missiles, and radar technology and techniques that may someday allow China to track U.S. Navy submarines while they are submerged beneath the ocean's surface.

Chinese acquisition of this technology is particularly troublesome because the majority of its roughly 20

long-range nuclear missiles are aimed at U.S. cities. As we all know, the United States currently has no defense against missile attack.

Although one individual at the Los Alamos Laboratory, Wen Ho Lee, has been fired, Chinese espionage at our nuclear labs is presumably ongoing today. As the Cox committee stated in its report, China has engaged in a "sustained espionage effort targeted at United States nuclear weapons facilities."

Furthermore, the report notes: "The successful penetration by [China] of our nuclear weapons laboratories has taken place over the last several decades, and almost certainly continues to the present."

After the effects of China's espionage came to light earlier this year, the President asked the Foreign Intelligence Advisory Board, led by former Senator Warren Rudman, to examine why China was able to steal our nuclear secrets. The President's board released its findings in June, calling for sweeping organizational reform of the Energy Department to address what it described as "the worst security record on secrecy" that the panel members "have ever encountered."

The Presidential panel cited as the root cause of DOE's poor security record "organizational disarray, managerial neglect, and a culture of arrogance . . . [which] conspired to create an espionage scandal waiting to happen." Terrible problems were uncovered during the panel's investigation. For example, employees at nuclear facilities compared their computer systems to automatic teller machines, allowing top secret withdrawals at our Nation's expense.

As public pressure has grown, Energy Secretary Richardson has announced various reforms; but these steps have been criticized as too little too late. In fact, the President's own advisory panel said, "We seriously doubt [Energy Secretary Richardson's] initiatives will achieve lasting success," and noted "these initiatives simply do not go far enough." In fact, though the Energy Secretary says he and his Department are on top of the situation, the Presidential panel warned that "the Department of Energy is a dysfunctional bureaucracy that has proven it is incapable of reforming itself." Instead, the panel recommended that Congress reorganize the Department.

That is what Senator DOMENICI, Senator MURKOWSKI, and I have written legislation to do, to implement this recommendation of the President's advisory group. Our proposal would gather all of the parts of the nuclear weapons program under one semi-autonomous agency within the Energy Department. It would separate the nuclear weapons work at the Energy Department from the other things they do there, such as setting efficiency standards for refrigerators.

The new agency will have clear lines of authority, responsibility, and ac-

countability, with one person in charge, who will continue to report to the Energy Secretary. This would replace the current tangled bureaucratic structure that has led to the situation where everyone is responsible so no one is responsible. This is the only way to ensure that new security and counter-intelligence measures are implemented to prevent future espionage from occurring unchecked.

I am pleased that the legislation enjoys broad bipartisan support. In addition to Senator DOMENICI, who chairs the Energy and Water Appropriations Subcommittee, and Senator MURKOWSKI, who chairs the Energy Committee, it is cosponsored by the chairman and vice chairman of the Intelligence Committee, Senators SHELBY and KERREY; the chairman of the Armed Services Committee and its subcommittee chairman on Strategic Forces, Senator WARNER and Senator SMITH; the chairman of the Governmental Affairs Committee, Senator THOMPSON; the chairman of the Foreign Relations Committee, Senator HELMS; the former chairman of the Intelligence Committee, Senator SPECTER; as well as Senators FEINSTEIN, HUTCHINSON, GREGG, BUNNING, FITZGERALD, and the distinguished majority leader, Senator LOTT.

Despite Secretary Richardson's recent announcement that he is prepared to drop his opposition to the creation of a semiautonomous agency, the reality is that he continues to oppose the core concepts underlying such an agency. Despite extensive discussions that the sponsors have had with the Secretary and his staff, he continues to oppose our legislation.

The time has clearly come for the Senate to debate and adopt strong measures to safeguard our Nation and its nuclear secrets. As my colleagues will recall, in May Senators DOMENICI and MURKOWSKI and I attempted to offer a similar amendment to the defense authorization bill which was met with a Democratic filibuster and a threat by the Energy Secretary that he would recommend the President veto the bill. In justifying his refusal to allow debate or even a vote on our amendment, the Democratic whip termed our proposal "premature" and urged the Senate to hold hearings on the measure.

Over the past 2 months, four committees of the Senate have held six hearings specifically on our amendment. Furthermore, in the time since we first offered our amendment to the defense authorization bill, the Presidential panel headed by former Senator Rudman has published its report vindicating the approach of our original amendment. It is well past time to fix the chronic problems at our nuclear weapons facilities. Failure to move forward will only further jeopardize our Nation's security.

I urge my colleagues on the other side of the aisle to rise above partisan politics, not to vote for obstruction

and vulnerability but instead to vote in favor of cloture so the Senate can debate this important amendment.

Mr. DOMENICI. Mr. President, I yield 5 minutes to Senator MURKOWSKI.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. MURKOWSKI. Mr. President, I thank my friend, Senator DOMENICI.

Yesterday we had an opportunity to discuss the pending amendment at some length. I think I spoke for some 45 minutes, so I will not repeat what I said yesterday, but I am going to focus in on why we need this amendment.

This whole issue associated with the lack of security in our labs has received a lot of attention over the last several months. My committee, the Committee on Energy and Natural Resources, has held nine hearings. We had the pleasure of getting together with four other committees—the Government Affairs Committee, the Armed Services Committee, the Intelligence Committee, joining with the Energy Committee—and it was the first time we had ever assembled four committees together. We had over 30 Senators present. So there has been a good deal of time, effort, and examination on this matter.

I am very pleased to join Senator DOMENICI, Senator KYL, and a number of other cosponsors, including Senators KERREY, LOTT, FEINSTEIN, SMITH, GREGG, HUTCHINSON, SHELBY, WARNER, BUNNING, HELMS, FITZGERALD, SPECTER, THOMPSON, and others in bringing this matter before the Senate.

We need this amendment because time is passing. This report, the Rudman report, entitled "Science At Its Best, Security At Its Worst," in effect says it all. This was the expert panel authorized by the President, a special investigative panel of the President's Foreign Intelligence Advisory Board headed by former Senator Rudman. Again, the emphasis is on the title, recognizing that science has contributed probably the best in the world at the labs, but security at its worst.

Now, why do we need this amendment? Why do we need it now? I will be very brief. I am going to give you a few quotes from the Rudman report.

Organizational disarray, managerial neglect and a culture of arrogance, both at the Department of Energy headquarters and the labs themselves, conspired to create an espionage scandal waiting to happen.

Further from the report:

The Department of Energy is a dysfunctional bureaucracy that has proven it is incapable of reforming itself.

Further:

Accountability at the Department of Energy labs has been spread so thinly and erratically that it is now almost impossible to find.

That is the key word—"accountability." We had no accountability, as we look back on the espionage charges associated with the alleged Wen Ho Lee affair, no accountability. There it is.

Further, I quote:

Never have the members of the special investigative panel witnessed a bureaucratic

culture so thoroughly saturated with cynicism and disregard for authority.

Further, I quote:

Never before has this panel found such a cavalier attitude toward one of the most serious responsibilities in the Federal Government: control of the design information relating to nuclear weapons.

Further, I quote:

Never before has the panel found an agency with the bureaucratic insolence to disrupt, delay and resist implementation of a presidential directive on security.

These are but a few of the quotes from the Rudman report. These few quotes and the full report itself speak eloquently about the need for this amendment, the justification for this amendment. While considering whether to vote for or against this amendment and the motion to invoke cloture, there is really only one relevant question: Do you want to put an end to lax management practices at the Department of Energy that have contributed to the poor security? In other words, do you want to fix it? Or do you want to do everything you can to prevent espionage from occurring again, further damaging national security?

I urge Members to vote for cloture.

I ask unanimous consent that excerpts from "Science at Its Best; Security at Its Worst" be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SELECTED EXCERPTS FROM THE PRESIDENT'S FOREIGN INTELLIGENCE ADVISORY BOARD REPORT: SCIENCE AT ITS BEST; SECURITY AT ITS WORST: A REPORT ON SECURITY PROBLEMS AT THE U.S. DEPARTMENT OF ENERGY Findings (pp. 1-6):

As the repository of America's most advanced know-how in nuclear and related armaments and the home of some of America's finest scientific minds, these labs have been and will continue to be a major target of foreign intelligence services, friendly as well as hostile. p.1

More than 25 years worth of reports, studies and formal inquiries—by executive branch agencies, Congress, independent panels, and even DOE itself—have identified a multitude of chronic security and counterintelligence problems at all of the weapons labs. p.2

Critical security flaws—have been cited for immediate attention and resolution—over and over and over—ad nauseam.

The open-source information alone on the weapons laboratories overwhelmingly supports a troubling conclusion: their security and counterintelligence operations have been seriously hobbled and relegated to low-priority status for decades. p.2

... the DOE and its weapons labs have been Pollyannaish. The predominant attitude toward security and counterintelligence among many DOE and lab managers has ranged from half-hearted, grudging accommodation to smug disregard. Thus the panel is convinced that the potential for major leaks and thefts of sensitive information and material has been substantial.

Organizational disarray, managerial neglect, and a culture of arrogance—both at DOE headquarters and the labs themselves—conspired to create an espionage scandal waiting to happen. pp.2-3

Among the defects this panel found:

Inefficient personnel clearance programs. Loosely controlled and casually monitored

programs for thousands of unauthorized foreign scientists and assignees.

Fleckless systems for control of classified documents, which periodically resulted in thousands of documents being declared lost.

Counterintelligence programs with part-time CI officers, who often operated with little experience, minimal budgets, and employed little more than crude "awareness" briefings of foreign threats and perfunctory and sporadic debriefings of scientists. . . .

A lab security management reporting system that led everywhere but to responsible authority.

Computer security methods that were naive at best and dangerously irresponsible at worst.

DOE has had a dysfunctional management structure and culture that only occasionally gave proper credence to the need for rigorous security and counterintelligence programs at the weapons labs. For starters, there has been a persisting lack of real leadership and effective management at DOE.

The nature of the intelligence-gathering methods used by the People's Republic of China poses a special challenge to the U.S. in general and the weapons labs in particular. p.3

Despite widely publicized assertions of wholesale losses of nuclear weapons technology from specific laboratories to particular nations, the factual record in the majority of cases regarding the DOE weapons laboratories supports plausible inferences—but not irrefutable proof—about the source and scope of espionage and the channels through which recipient nations received information. pp.3-4.

The actual damage done to U.S. security interests is, at the least, currently unknown; at worst, it may be unknowable.

The Department of Energy is a dysfunctional bureaucracy that has proven it is incapable of reforming itself. p. 4

Accountability at DOE has been spread so thinly and erratically that it is now almost impossible to find.

Reorganization is clearly warranted to resolve the many specific problems with security and counterintelligence in the weapons laboratories, but also to address the lack of accountability that has become endemic throughout the entire Department. p. 4

Convolved, confusing, and often contradictory reporting channels make the relationship between DOE headquarters and the labs, in particular, tense, internecine, and chaotic.

The criteria for the selection of Energy Secretaries have been inconsistent in the past. Regardless of the outcome of ongoing or contemplated reforms, the minimum qualifications for an Energy Secretary should include experience in not only energy and scientific issues, but national security and intelligence issues as well. p. 5

DOE cannot be fixed with a single legislative act: management must follow mandate. The research functions of the labs are vital to the nation's long term interest, and instituting effective gates between weapons and nonweapons research functions will require both disinterested scientific expertise, judicious decision making, and considerable political finesse. p. 5

Thus both Congress and the Executive Branch . . . should be prepared to monitor the progress of the Department's reforms for years to come.

The Foreign Visitor's and Assignments Program has been and should continue to be a valuable contribution to the scientific and technological progress of the nation. p. 5

That said, DOE clearly requires measures to ensure that legitimate use of the research laboratories for scientific collaboration is not an open door to foreign espionage agents.

In commenting on security issues at DOE, we believe that both Congressional and Executive branch leaders have resorted to simplification and hyperbole in the past few months. The panel found neither the dramatic damage assessments nor the categorical reassurances of the Department's advocates to be wholly substantiated. pp. 5-6

However, the Board is extremely skeptical that any reform effort, no matter how well-intentioned, well-designed, and effectively applied, will gain more than a toehold at DOE, given its labyrinthine management structure, fractious and arrogant culture, and the fast-approaching reality of another transition in DOE leadership. Thus we believe that he has overstated the case when he asserts, as he did several weeks ago, that "Americans can be reassured: our nation's nuclear secrets are, today, safe and secure."

Fundamental change in DOE's institutional culture—including the ingrained attitudes toward security among personnel of the weapons laboratories—will be just as important as organizational redesign. p. 6

Never have the members of the Special Investigative Panel witnessed a bureaucratic culture so thoroughly saturated with cynicism and disregard for authority. Never before has this panel found such a cavalier attitude toward one of the most serious responsibilities in the federal government—control of the design information relating to nuclear weapons. Particularly egregious have been the failures to enforce cyber-security measures to protect and control important nuclear weapons design information. Never before has the panel found an agency with the bureaucratic insolence to dispute, delay, and resist implementation of a Presidential directive on security, as DOE's bureaucracy tried to do the Presidential Decision Directive No. 61 in February 1998.

*The best nuclear weapons expertise in the U.S. government resides at the national weapons labs, and this asset should be better used by the intelligence community. p. 6.*

Reorganization pp. 43-53:

The panel is convinced that real and lasting security and counterintelligence reform at the weapons labs is simply unworkable within DOE's current structure and culture. To achieve the kind of protection that these sensitive labs must have, they and their functions must have their own autonomous operational structure free of all the other obligations imposed by DOE management. *We strongly believe that this cleaving can be best achieved by constituting a new government agency that is far more mission-focused and bureaucratically streamlined than its antecedent, and devoted principally to nuclear weapons and national security matters.* (emphasis in original) p. 46

The agency can be constructed in one of two ways. It could remain an element of DOE but become semi-autonomous—by that we mean strictly segregated from the rest of the Department. This would be accomplished by having the agency director report only to the Secretary of Energy. The agency directorship also could be "dual-hatted" as an Under Secretary, thereby investing it with extra bureaucratic clout both inside and outside the Department. p. 46

Regardless of the mold in which this agency is cast, it must have staffing and support functions that are autonomous from the remaining operations at DOE. p. 46

To ensure its long-term success, this new agency must be established by statute. p. 47

Whichever solution Congress enacts, we do feel strongly that the new agency never should be subordinated to the Defense Department. p. 47

Specifically, we recommend that the Congress pass and the President sign legislation that: pp. 47-49

Creates a new, semi-autonomous Agency for Nuclear Stewardship (ANS), whose Director will report directly to the Secretary of Energy.

Streamlines the ANS/Weapons Lab management structure by abolishing ties between the weapons labs and all DOE regional, field and site offices, and all contractor intermediaries.

Mandates that the Director/ANS be appointed by the President with the consent of the Senate and, ideally, have an extensive background in national security, organizational management, and appropriate technical fields.

Stems the historical "revolving door" and management expertise problems at DOE. . . .

Ensures effective administration of safeguards, security, and counterintelligence at all the weapons labs and plants by creating a coherent security/CI structure within the new agency.

Abolishes the Office of Energy Intelligence.

Shifts the balance of analytic billets . . . to bolster intelligence community technical expertise on nuclear matters.

Mr. MURKOWSKI. Mr. President, I yield the floor.

Mr. KERREY addressed the Chair.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. KERREY. Mr. President, I ask the Senator from New Mexico, how is the time being controlled?

Mr. DOMENICI. The Senator from Nebraska has 30 minutes and has used none of it.

Mr. KERREY. Do I have to use my time to speak against or not?

Mr. DOMENICI. The Senator may speak either way.

Mr. KERREY. Mr. President I yield such time as is necessary from our side to speak in favor of the Kyl-Domenici-Murkowski amendment.

I believe this reorganization plan complements the reforms already included in our defense authorization bill as well as the reforms set forth by Secretary Richardson and that they help him achieve his mission. This plan, which is contained in this amendment, will sustain and improve the extraordinary science performed by the nuclear laboratories of the Energy Department while significantly improving security and counterintelligence.

Under this reorganization, the Secretary of Energy will set policy and maintain authority over all elements of the new Agency for Nuclear Stewardship. The agency director will then implement his policy and demand that the highest security standards are maintained within the nuclear weapons laboratories.

This plan reduces the bureaucracy that both stifles scientific endeavors and hinders security and counterintelligence at our laboratories. The agency will maintain the links between the weapons labs and other labs in parts of the Department of Energy, thereby preserving the capability to cross-fertilize science that is being performed in different programs and in different locations.

Numerous reviews that have been performed over the past 25 years by executive branch agencies, the General

Accounting Office, the Congress, independent panels, and the Energy Department itself have found security wanting and lax at all of the weapons laboratories. A spate of espionage cases over the last 15 years, cases involving the potential theft of our most potent nuclear weapons designs, shows that counterintelligence at the Energy Department needs serious improvement. In recent hearings, witnesses before the Senate Select Committee on Intelligence and other committees have described the confused lines of authority, lack of accountability, and both inadvertent and conscious disregard for security concerns.

Last month the President's National Foreign Intelligence Advisory Board, the PFIAB, led by former Senator Warren Rudman, issued the latest in a long series of reports critical of security and counterintelligence at the weapons laboratories.

In its report entitled "Science At Its Best, Security At Its Worst," the PFIAB found that "organization disarray, managerial neglect and a culture of arrogance both at DOE headquarters and the labs themselves, conspired to create an espionage scandal waiting to happen."

In response to these problems, the Rudman panel calls for reorganization as necessary "to resolve the many specific problems with security and counterintelligence in the weapons laboratories but also to address the lack of accountability that has become endemic throughout the entire Department."

The new structure envisioned in this amendment strengthens the management structure overseeing the nuclear weapons laboratories. By removing the unnecessary involvement of redundant officials in the running of the labs, the new Agency for Nuclear Stewardship sets both clear lines of authority and defined lines of accountability in how the labs are managed. This helps assure that policy directives are properly and expeditiously developed, and that officials can be held accountable for success and failure related to scientific research and security measures.

No management structure, however well designed, can be effective if the personnel filling the organization chart are not up to the job. The Under Secretary for Nuclear Stewardship will be appointed by the President and subject to the advice and consent of the Senate. He or she will be required by statute to have an extensive background in national security, organizational management, and the appropriate technical areas relevant to weapons design work. This individual will be assisted within the Agency by three Deputy Directors for defense programs, nonproliferation and materials disposition, and naval reactors. To promote security throughout the Agency, the Director will be assisted by a Chief of Nuclear Stewardship Counterintelligence, a Chief of Nuclear Stewardship Security, and a Chief of Nuclear Stewardship Intelligence

who will work to promote the awareness of and implement measures related to security and counterintelligence.

Under this amendment, the Under Secretary will have the necessary authority to effectively manage the Agency for Nuclear Stewardship. This Under Secretary will follow the policies established by the Secretary. The Agency's subordinate security, counterintelligence, and intelligence chiefs will follow policies developed by their corresponding Energy Department offices and approved by the Secretary.

The point here is that the Secretary remains accountable, the Secretary retains authority, and as a consequence, the Secretary retains responsibility for the work that is being done.

This amendment essentially, under statute, will remove much of the middle-level structure that has built up over the years, which has made it extremely difficult to manage and almost impossible to determine who is responsible. Despite the end of the cold war, our Nation still faces a nuclear threat, and that threat continues to grow. We must not allow the nuclear secrets paid for by the toil and ingenuity of Americans to become tools of those who may wish to harm our Nation. The new Agency for Nuclear Stewardship will help protect those secrets and keep our nuclear arsenal the most advanced and safest among nations.

Mr. President, I yield the floor.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DOMENICI. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOMENICI. Mr. President, I yield 5 minutes off our side to the Senator from Kentucky.

The PRESIDING OFFICER. The Senator from Kentucky is recognized.

Mr. BUNNING. Mr. President, our national laboratories have become revolving doors. On the way in, you have billions of dollars from the taxpayers to research and develop the most sophisticated weapons in the world, and on the way out you have all the plans and information any country needs to build a nuclear weapon.

Unfortunately, the doors to our labs are still open. While the Department of Energy has made some cosmetic changes in their security procedures, we are still stuck with the same bureaucratic mess that created this problem.

There is no accountability. Not one person has stood up and said, "the buck stops here."—Not the lab directors—not any of the former Secretaries of Energy—not even the President has taken any responsibility for what occurred at Los Alamos Laboratory.

It is clear that our nuclear weapons programs are in desperate need of accountability, leadership, and supervision. The amendment we are debating today will provide these essential ingredients.

Mr. President, the Kyl-Domenici-Murkowski amendment, creates a new agency for nuclear stewardship, which will provide clear lines of authority and responsibility within the Department of Energy. It will be managed by an administrator who will be directly responsible for all nuclear weapons production. Finally, someone will be able to say, "the buck stops here."

In addition, the amendment will codify an Office of Counterintelligence in the Department of Energy. The Director of this Office will have the power to create preventative programs to make sure this kind of espionage does not occur again.

The administration has proposed a number of band-aid type reforms, but none of them get to the heart of the problem. There are too many tangled lines of authority within the Department of Energy, and no one wants to take responsibility.

According to the Cox report, "the PRC's theft of nuclear secrets from our National Weapons Laboratories enabled the PRC to design, develop, and successfully test modern strategic nuclear weapons sooner than would otherwise have been possible."

Since the Chinese, who sell weapons around the world have these secrets, we can only ask who else may have this information. Iran? Iraq? Syria? North Korea?

While it is scary to think about who may have access to our nuclear secrets, it is even more frightening to think that this kind of espionage could still be going on. We need the clear lines of authority and leadership that would be established by the Kyl-Domenici-Murkowski amendment, to close the revolving door.

Mr. President, I urge all of my colleagues to vote for cloture and support this important amendment.

I yield the floor.

Mr. DOMENICI. Mr. President, might I ask the distinguished Senator, Mr. BUNNING, would he like to speak for an additional couple of minutes?

Mr. BUNNING. I have finished. I thank the Senator. I have completed my statement.

Mr. DOMENICI. Mr. President, I don't know how we are going to use the rest of the time. I will use a little bit of time. If anyone wants to speak on either side of the issue, there is some time between now and 10:40 or so when we are going to vote on cloture. I yield myself such time as I may use.

I, too, urge that everybody vote for cloture. There is absolutely no reason for us not to proceed with the intelligence bill, which has been carefully thought out. It is not my bailiwick. I am not a chairman, cochairman, or a member, but I have attended meetings with them since the breaking news

about the Chinese and their involvement in gathering up very secure and secret information from the United States through our laboratories.

That bill should not be held up, and the Senate has already agreed by unanimous consent that when it comes up—the amendment we are alluding to, the amendment that has been talked about now for a number of weeks, has been prepared in its final form for some time. It has been circulated to whom-ever needs it. It has been discussed in various committees, and it has been criticized, praised, and modified.

Before it came to the floor, it had the input from the now famous board that Senator Rudman headed with four other distinguished Americans with great expertise in the area. Their recommendations are in the amendment. We had people who know the Department and who know the Department of Defense help us draft it. It was conceived and being prepared even before the Rudman board made their final recommendations.

Personally this Senator had arrived at the conclusion that something drastic had to be done even before the report. Now we can have some time this afternoon and this evening for those who want to argue about the potency of this amendment or whether it has some shortcomings to offer amendments.

We will be meeting at about 11:30 in the leader's office with five or six Senators who have a particular interest or bipartisan interests and may have amendments. We will be meeting in the leader's office to see if we can't discuss them.

I hope Senators who have raised issues about it and who have indicated they have amendments will join us and be prepared to talk on our bill on which they have amendments, and to bring forth their ideas also.

Later in the day, if we continue to debate this issue, I will have more to say about why we need it, and I will discuss the specific provisions of this amendment in more detail.

Let me just quickly read three or four provisions that I think should dispel some of the concerns that have been raised. If they do not quite do the job, let's talk about it.

On page 2 of the amendment, for those who are wondering whether the Secretary of Energy, a Cabinet member, will still be in charge of this semi-autonomous agency, when you call it "semiautonomous," it means that somebody is in control of it and, therefore, it is not autonomous. That is why semiautonomous is included as a description.

But the amendment says, first:

The Secretary shall be responsible for all policies of the agency. The Under Secretary for Nuclear Stewardship shall report solely and directly to the Secretary, and shall be subject to the supervision and direction of the Secretary.

Skipping on a bit, to page 2 of the amendment:

The Secretary may direct other officials of the Department who are not within the Agency for Nuclear Stewardship to review the agency's program and to make recommendations to the Secretary regarding the administration of such programs, including the consistency with other similar programs and activities of the Department.

There are some who want to make sure the Secretary has sufficient input, that he will have sufficient opportunity to look at what they are doing and make determinations as to the propriety of consistency with the Secretary's policies.

I think what we just said makes the case.

This morning, one of those writers who has been covering the deliberations in the Washington Post talked about the chief of nuclear stewardship counterintelligence and how there might be some inconsistency within that particular person's effort and what the Secretary's policies are on counterintelligence.

I refer to page 4 of the amendment. I read the following at the bottom of the page:

The Chief of Nuclear Stewardship Counterintelligence shall report to the Under Secretary, and implement the counterintelligence policies directed by the Secretary and the Under Secretary. The Chief of Nuclear Stewardship Counterintelligence shall have direct access to the Secretary and all other officials of the Department and its contractors concerning counterintelligence matters, and shall be responsible for. . . .

Then it proceeds to delineate for what they will be responsible.

Mr. President, how much time do we have remaining on our side, and how much remains as a whole?

The PRESIDING OFFICER (Mr. GRAMS). The Senator from New Mexico has 30 minutes 22 seconds. The Democratic time remaining is 23 minutes 12 seconds.

Mr. DOMENICI. I note Senator KYL's presence on the floor. I want to talk with him for a moment.

I am not at all sure there will be additional time used on the other side of the aisle. When Senator KERREY left the floor for other urgent business, he suggested there was not any more time on that side. I would like to yield to Senator KYL the remaining time on our side. I am very hopeful, if there is going to be a wrap-up before the vote, that we will be able to get 2 or 3 minutes from the other side, although I am not sure that is the case at this point.

I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. KYL. Mr. President, perhaps we can inquire of the Democratic side if there is no one else who wishes to speak for that time to be yielded. I can take about 3 minutes now, and we can be prepared to vote at whatever time Members are ready.

Mr. DOMENICI. I understand that is not possible. I understand there are some who are now relying upon the time that is set for the vote around 20 minutes of 11 and who may be absent from the Hill. So we can't do that.

Mr. KYL. So as not to be in an unproductive quorum call, perhaps we could yield back time so we could speak in morning business.

Mr. President, I echo one of the thoughts of Chairman DOMENICI; that is, as we consider amendments to the proposal for a semiautonomous agency that tracks the recommendations of the President's Foreign Intelligence Advisory Board, I think we need to be very careful to ensure that the spirit of the recommendation, the fundamental basis for the recommendation of the President's Foreign Intelligence Advisory Board—the so-called Rudman panel—is not in any way degrading.

That spirit, that fundamental basis, was to go directly to the heart of the criticism of the Department of Energy to date that it is incapable of reorganizing itself; that there are too many disparate groups within the Department that want control of the nuclear weapons program, or at least their particular part of control; that what is really needed within the Department, the President's panel said, was a very clear direct line of responsibility from the Secretary right down through this entire nuclear weapons program so that no one else within the Department of Energy, in effect, could get their hands on it; and that there was only one line of responsibility, and it was the Under Secretary with his authority and his responsibility to make that program work.

The amendments we have received from Members on the other side—all to one degree or another—picked that apart. They said, well, the Secretary can designate other people outside this semiautonomous agency to be in charge of certain personnel matters, or things of that sort, or we could have the Secretary interspersed between the Secretary of Energy and the Under Secretary in charge of these nuclear weapons programs.

Those kinds of structural changes may not appear to be significant on the surface, but each one of them detracts from this concept of a semiautonomous agency, which is the fundamental basis of our amendment.

It is what the President's Foreign Intelligence Advisory Board, or panel, said was the critical component of any reform to ensure that there are not other areas of responsibility.

One of the proposals is that the Under Secretary would have to have field administrative staff administering this program. That is exactly what the Rudman panel said you didn't want. That was part of this bifurcation of responsibility that was creating the problem to date—too many people having to sign off on too many different things.

The point I want to make as we are prepared to vote on whether to proceed—I gather it will be a nearly unanimous vote—with the debate and potential amendment of this legislation, to echo what Senator DOMENICI said, is that whatever amendments we consider

we have to remain true to the basic concept. You can't have a semi-autonomous agency in name but have the same old disparate responsibility in practice. That is why we are not going to be agreeing to amendments that detract from the autonomy of this structure—this semiautonomous nature of the jurisdiction of the Under Secretary.

That is going to be a critical component of this reform. We are going to have to reject all amendments, as benign sounding as they may be, that detract from that central concept.

I hope, if Members are going to present amendments, that they will understand, at least from the sponsors of the legislation, they will be met with opposition if they detract from that central principle. We are going to be standing very firm to support the President's own advisory board recommendations to the President. We hope, obviously, that the President in the end will support those as well.

My hope is, if there is no one else on the Democratic side who wishes to address this, that we can get some time yielded so we can address it from our side.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, I thank a number of people.

We have come a long way from not knowing exactly what we ought to do to a very strong cadre of Senators in a bipartisan nature who have decided that this amendment should be adopted, and perhaps a couple of changes and technical adjustments can be made. But this is not just the work of three sponsors. I am very pleased to have been one of the three who has gathered.

I note the Armed Services Committee's input is represented in this bill and has been present at almost all the meetings in the form of the chairman, JOHN WARNER. Senator WARNER has been an integral part, along with the Armed Services Committee staff which has knowledge in this particular area.

The Intelligence Committee has been excellent. While they have conducted their hearings—and they had a heavy workload to get ready for this bill—they have taken significant time to discuss this issue and to discuss this approach.

This amendment is cosponsored by the chairman and cochairman of the Intelligence Committee. I thank Senator SHELBY, the chairman, for his fine cooperation and that of his staff, and, obviously, the presence of Senator BOB KERREY on the floor indicates he is totally cognizant, fully aware of this, and supports what we are trying to do.

In addition, obviously there has been tireless work in terms of trying to get the facts in the name of the chairman of the Energy and Natural Resources Committee. Senator MURKOWSKI of Alaska has spent a great deal of time with a very competent staff. It is small in number but efficient and knowledgeable. They have conducted some of the

best hearings on this subject matter. I am very pleased he is taking an active role. The fact he is on this bill and articulately defending the approach within the amendment is very helpful and should be helpful to the Senate.

Mr. KYL. Mr. President, I also note Senator THOMPSON, the chairman of the Governmental Affairs Committee, which has responsibility for monitoring the organization and providing oversight to the Departments of Government, is also very interested and has provided assistance. I know he wants to speak on this later today.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. DOMENICI. I ask unanimous consent for 1 additional minute off their side.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOMENICI. Mr. President, Senator THOMPSON and his staff have been very objective. Obviously, his committee has a lot of jurisdiction to conduct hearings with reference to restructuring of anything in Government. We are very pleased he chose to join us and he chose to lend us the excellence and expertise of his staff as we put this package together.

It is a very good approach. After 20 years of actually floundering around within a bureaucracy at the Department of Energy that was very top heavy, as reported by various commissions, I am very thrilled to be in this Chamber and able to say we are going to try to do better by the most serious research and the activities which are most apt to harm us in the future if others get them. It is the national security of America and perhaps peace in the world that hangs on whether this Department can do its job right, this autonomous agency with reference to nuclear activities, and whether we can find a better way to maintain freedom for those scientists, the greatest in the world, so they will come and do their work and at the same time do a far better job of securing the secrets that are within the minds and the products that our great scientists are producing at the nuclear laboratories.

In the meantime, there are some who want to punish the laboratories. I note with some interest the appropriations bill in the House from the subcommittee that is supposed to fund our nuclear activities. Obviously, it has been reduced so dramatically I am not at all sure they can function. I do not know if that is a function of not having enough money or a function of saying: Let's do something about the fact that we are worried about security.

That is not the way to do it. The way to do it is to adopt this amendment in both Houses, send it to the President, and get started with the task, for the first time in 22 years, of trying to set up an appropriate semiautonomous agency to do our nuclear work, to conduct the activities of our nuclear laboratories.

I have been asked by the leader, unless my colleagues have an objection,

to ask unanimous consent that all the time be considered used on both sides of the aisle and the cloture vote occur at 10:40 this morning. This means we will go into a quorum call, and anybody who wants to can call off the quorum and speak. Is that fair enough to the Senator from Idaho?

Mr. CRAIG. It is.

Mr. DOMENICI. I propose that unanimous consent request I just articulated.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Idaho.

Mr. CRAIG. Mr. President, I thank the Senator from New Mexico and the Senator from Arizona for their leadership on the issue of our laboratories and our concern about nuclear weapons security and the work they have done and the vote that will soon be taken in the Senate on that effort. It is of prime national importance.

#### TRIBUTE TO KENNETH CHRISTOPHER FOSS

Mr. CRAIG. Mr. President, I come to the floor of the Senate this morning to report a sad event to my colleagues. This past Saturday, July 17, I received news of the untimely death of Kenneth Christopher Foss, one of the analysts on the staff of the Republican Policy Committee, of which I am chairman. He was 29 years old and had been a lifelong sufferer of diabetes.

Since assuming the RPC chairmanship in 1996, I had gotten to know Ken very well. Most recently, I had worked very closely with him on legislation affecting Second Amendment rights. As anyone who knew Ken can attest, he was not a man to compromise on principle. He was an extraordinary individual who stood on solid moral and conservative principles. In an age of relative values and indifference to truth, he will be sorely missed. For Ken, devotion to principle was not an option, it was an imperative.

Ken's achievements during his all-too-short time in the Senate and on Earth were truly remarkable. He began his career with former Senator Dan Coats, first as an intern and then as a staff assistant. He moved over to the RPC during the chairmanship of my predecessor, Senator DON NICKLES.

Many of my colleagues may not fully be aware of Ken's contributions to the operation of the committee's in-house cable television facility, channel 2, which we all know is an indispensable tool for Senators and their staffs to keep abreast of floor action. This past year, Ken was the backbone of channel 2 as its manager.

In addition, he had shouldered the increased responsibility of a constantly growing list of issues as a policy analyst, including guns, education, alcohol and tobacco, drugs, immigration, American flag protection, census "sampling", prosecutorial ethics and asset forfeiture, and adoption, among others.

For Ken, these were not just a list of bureaucratic responsibilities at the

RPC—they were to him truly a passion, objects of his deeply held commitment to justice, the rule of law, and the truest values of the American Republic. I might add, his passion extended to the issue of Puerto Rican statehood, where his position was diametrically opposed to mine. Though he was gentleman enough not to be obvious about it, it was very clear to me where he stood.

Whatever he worked on, he was meticulous and thorough. Whatever his task, he was the first to volunteer for the heavy lifting, to collect all the background, to consult all the authoritative sources, to do all the detailed reading and analysis, to become a walking library on the issue at hand. As anyone who has been to what we call the "big room" at the RPC or down to his basement station at channel 2 in the Capitol, known as "the cave," Ken's desk was a veritable archive, testimony to both his devotion to duty and to his active mind.

I want to mention two matters in particular that define Ken and his work in the Senate. To say that Ken was devoted to defending American rights under the Second Amendment is a masterpiece of understatement. As one of the bumper stickers displayed on his desk puts it: "A man with a gun is a citizen; a man without a gun is a subject." For Ken, those were words by which to live. Ken had a keen devotion to the concept of ordered liberty under constitutional government and the reciprocal rights and duties of the citizens, especially armed citizens. Whatever the gun-related issue—concealed-carry laws, instant background checks, mandatory trigger locks, or any other efforts to circumvent our founders' clear words—Ken was Horatio at the bridge. His assistance to me during the recent debate on gun show restrictions was invaluable. He will be sorely missed by me certainly, and by the Nation.

Second, it would be impossible to talk about Ken Foss without mentioning his devotion to the unique cultural heritage of the South, and especially his native State, the Commonwealth of Virginia. In all he did, in his stubborn unwillingness to forsake a cause that he thought was just, he was constantly following, and consciously following, in the footsteps of famous Virginians of the past upon whom he looked as role models: George Washington, Patrick Henry, George Mason, Robert E. Lee, Stonewall Jackson. Philosophically in agreement with the antifederalism of Mason and Henry, Ken really did believe that eternal vigilance is the price of liberty, and his tireless work reflected that conviction.

His love of Virginia and of the South extended from honoring and emulating the great names of the past and "Sic Semper Tyrannis," the motto of the State of Virginia on the screen-saver on his computer, to his fondness for Allman's barbecue down in Fredericksburg, southern rock music, and Alabama football.

Ken prized the distinctive heritage of his State and his region and was afraid that in our modern, homogenized world, we were losing an irreplaceable part of a precious cultural patrimony. In his passing, Virginia and the South have lost a true son, and the Nation is, I think, poorer for it.

Ken is survived by his parents, Gary and Andra Foss, and by his brother Eric. I am sure I speak for all my colleagues in expressing our condolences to his family. Ken's father, Gary Foss, is director of the Fredericksburg Christian School.

In closing, I should mention that Ken's dedication in his nonprofessional life extended no less to the principles of Christian education and the Reformed tradition. For Ken, service to God, to his church, to his parents, to his fellow man was an expression of the same qualities he demonstrated in his professional life. Whether it was the Ten Commandments or the Constitution, Ken knew his duty and inspired others to respond to the call.

This is how I remember him, and this is how I believe he will be remembered. We will all miss Ken Foss.

I yield the floor.

Mr. NICKLES. Mr. President, I wish to join my colleague and friend, Senator CRAIG, in making a few comments about a friend of ours—both of ours—Ken Foss, who passed away this past Saturday.

His passing is a real loss to the Senate and a real loss to this country. He was a very dedicated member of the Senate family, a person with whom I had the pleasure of working for several years. When I was chairman of the Policy Committee, I got to know Ken Foss. He started his career when he worked for Senator Coats, starting in 1990 or 1991. He did good work for Senator Coats, and was an asset to our former colleague's staff.

In 1992, I stole him from Senator Coats' office because he had great talent, and great promise; and he quickly became an integral part of our team at the Policy Committee.

I was fortunate enough to be chairman of the Policy Committee from 1991 to 1996, and blessed to know this energetic person who had a real love affair with this country and a real love affair with history. Ken was energetic. He worked with a lot of zeal, a lot of passion, and a lot of real belief.

I remember him working in the Policy Committee as a person who always did his homework. On any issue, he did his research, and he knew his subject. I remember also his dedicated work in the cave, down in the basement of the Capitol, doing television work, keeping Members—all Members—apprised of what was going on on the floor. He was one of the individuals on whom you could count to give an update of what was happening on the floor, what was happening politically, what was happening substantively, what was happening procedurally, keeping colleagues and staff fully informed and ready to act when the time came.